



Activity Review

North Carolina State Board of Certified Public Accountant Examiners

1101 Oberlin Road, Suite 104, PO Box 12827, Raleigh, NC 27605 (919) 733-4222 Issue No. 8-2002

GAO Releases Additional Guidance on Auditor Independence Requirements

On July 2, 2002, David M. Walker, Comptroller General of the United States and head of the US General Accounting Office (GAO), announced release of important guidance on auditor independence requirements under Government Auditing Standards.

These standards, which were first published in 1972 and are commonly referred to as the “Yellow Book,” cover federal entities and those organizations receiving federal funds.

Various laws require compliance with the Comptroller General’s auditing standards in connection with audits of federal entities and funds.

Furthermore, many states and local governments and other entities, both domestically and internationally, have voluntarily adopted these standards.

On January 25, 2002, the GAO issued significant changes to Government Auditing Standards related to auditor independence, which substantially changed the previous standard especially regarding nonaudit, or consulting services.

In issuing the new standards in January, the Comptroller General stated that protecting the public interest and ensuring public confidence in the independence of auditors of government financial statements, programs, and operations, both in form and substance, were the overriding considerations in his decision to issue these new standards.

Because of the new independence standards’ significant effect on audit organizations, when GAO issued the standard, it indicated plans to subsequently provide further guidance to assist in its implementation.

This new guidance responds to questions related to the independence standards’ effective date, implementation time frame, underlying concepts, and application in specific nonaudit circumstances.

In releasing this guidance, the Comptroller General emphasized that “recent private sector accounting and reporting scandals have served to re-enforce the critical importance of having tough but fair auditor independence standards to protect the public and insure the credibility of the auditing profession.”

He again called on other standard setters “to follow the lead of government auditors by adopting principle-based standards that make clear that auditors are to be independent in both fact and appearance.”

According to the Comptroller General, in making judgments on independence under Government Auditing Standards and applying the principles and safeguards established by the new independence standards, audit organizations should take a “substance over form” approach and consider the nature and

Independence
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IRS Form W-9 Request for Taxpayer ID Number and Certification

Each year, the Board processes more than 20,000 exam applications, firm registrations, and certificate applications and renewals.

Each of these transactions involves the payment of a fee, either by check or credit card and subsequently the Board receives hundreds of requests to complete an IRS Form W-9, *Request for Taxpayer Identification Number and Certification*.

To reduce the number of requests for the Board’s taxpayer identification number, completed W-9 form is available from the Board’s web site.

www.state.nc.us/cpabd

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Disciplinary Actions

Joan W. Pless, #10745
Durham, NC 07/23/02

THIS CAUSE, coming before the Board at its offices at 1101 Oberlin Road, Raleigh, Wake County, North Carolina, with a quorum present. Pursuant to NCGS 150B-41 and 150B-22, the Board and Respondent stipulate the following:

FINDINGS OF FACT

1. Respondent is the holder of North Carolina certificate number 10745 as a Certified Public Accountant.
2. At all times relevant, Respondent was a director, a shareholder, a “principal,” and secretary/treasurer of Pless & Pless Certified Public Accountants, P.A. At all times relevant, Respondent was a partner in the partnership, Pless & Pless, CPAs, which preceded her professional association.
3. Respondent failed to timely file personal federal income tax returns for tax years 1992, 1993, 1994, and 1995; to timely file her firm’s federal corporate income tax returns for tax years 1995; and to timely file her firm’s federal partnership income tax returns for tax years 1994 and 1995. Respondent failed to pay, in a timely manner, her individual federal income tax liabilities for tax years 1993, 1995, and 1998. Respondent also paid her federal employer payroll tax liabilities in an untimely manner for the quarters ending June 1995, September 1995, December 1995, March 1996, December 1996, June 1997, September 1997, December 1997, March 1998, June 1998, September 1998, and December 1998.
4. The Director of Practice of the Internal Revenue Service officially notified Respondent that, pursuant to Section 10.55(b) of Circular No. 230, the Internal Revenue Service had accepted Respondent’s offer of consent to suspension from practice before the Internal Revenue Service for six (6) months.

5. During the relevant period of time, Respondent encountered significant financial, business, and medical hardships beyond her control that mitigated the filing and payment failures described above in Finding of Fact #3.

6. Respondent wishes to resolve this matter by consent and agrees that the Board staff and counsel may discuss this Order with the Board *ex parte*, whether or not the Board accepts this Order as written.

BASED UPON THE FOREGOING, the Board makes the following:

CONCLUSIONS OF LAW

1. Respondent is subject to the provisions of Chapter 93 of the North Carolina General Statutes (NCGS) and Title 21, Chapter 8 of the North Carolina Administrative Code (NCAC), including the Rules of Professional Ethics and Conduct promulgated and adopted therein by the Board.
2. Respondent’s failures described in Finding of Fact #3 constitute violations of NCGS 93-12(9)e and 21 NCAC 8N .0204 and 8N .0207.
3. Respondent’s conduct that resulted in the Director of Practice’s Reprimand of Respondent constitutes discipline by a federal agency as prescribed in 21 NCAC 8N .0204.

BASED ON THE FOREGOING and in lieu of further proceedings under 21 NCAC Chapter 8C, the Board and Respondent agree to the following Order:

1. Respondent is censured.
2. Respondent’s certificate is suspended for one (1) year; however, said suspension is stayed.
3. Respondent shall reimburse the Board one thousand dollars (\$1,000.00) in administrative costs incurred in the investigation of this matter. Said administrative costs shall be remitted with this signed Order.
4. Respondent shall pay a one thousand dollar (\$1,000.00) civil penalty to be remitted with this signed Order.

Charles R. Pless, #13466
Durham, NC 07/23/02

THIS CAUSE, coming before the Board at its offices at 1101 Oberlin Road, Raleigh, Wake County, North Carolina, with a quorum present. Pursuant to NCGS 150B-41 and 150B-22, the Board and Respondent stipulate the following:

FINDINGS OF FACT

1. Respondent is the holder of North Carolina certificate number 13466 as a Certified Public Accountant.
2. At all times relevant, Respondent was a director, a shareholder, president, and a “principal” or “Managing Partner” of Pless & Pless Certified Public Accountants, P.A. At all times relevant, Respondent was a partner in the partnership, Pless & Pless, CPAs, which preceded his professional association.
3. Respondent failed to timely file personal federal income tax returns for tax years 1992, 1993, 1994, and 1995; to timely file his firm’s federal corporate income tax returns for tax years 1995; and to timely file his firm’s federal partnership income tax returns for tax years 1994 and 1995. Respondent failed to pay, in a timely manner, his individual federal income tax liabilities for tax years 1993, 1995, and 1998. Respondent also paid his federal employer payroll tax liabilities in an untimely manner for the quarters ending June 1995, September 1995, December 1995, March 1996, December 1996, June 1997, September 1997, December 1997, March 1998, June 1998, September 1998, and December 1998.
4. The Director of Practice of the Internal Revenue Service officially reprimanded Respondent, pursuant to Section 10.54 of Circular No. 230, based upon the Director’s finding of Respondent’s above-described failures to timely file or pay.
5. During the relevant period of time, Respondent encountered significant financial, business, and medical hardships beyond his control that mitigated

the filing and payment failures described above in Finding of Fact #3.

6. Respondent wishes to resolve this matter by consent and agrees that the Board staff and counsel may discuss this Order with the Board *ex parte*, whether or not the Board accepts this Order as written.

BASED UPON THE FOREGOING, the Board makes the following:

CONCLUSIONS OF LAW

1. Respondent is subject to the provisions of Chapter 93 of the North Carolina General Statutes (NCGS) and Title 21, Chapter 8 of the North Carolina Administrative Code (NCAC), including the Rules of Professional Ethics and Conduct promulgated and adopted therein by the Board.

2. Respondent’s failures described in Finding of Fact #3 constitute violations of NCGS 93-12(9)e and 21 NCAC 8N .0204 and 8N .0207.

3. Respondent’s conduct that resulted in the Director of Practice’s Reprimand of Respondent constitutes discipline by a federal agency as prescribed in 21 NCAC 8N .0204.

BASED ON THE FOREGOING and in lieu of further proceedings under 21 NCAC Chapter 8C, the Board and Respondent agree to the following Order:

- 1. Respondent is censured.
- 2. Respondent’s certificate is suspended for one (1) year; however, said suspension is stayed.
- 3. Respondent shall reimburse the Board one thousand dollars (\$1,000.00) in administrative costs incurred in the investigation of this matter. Said administrative costs shall be remitted with this signed Order.
- 4. Respondent shall pay a one thousand dollar (\$1,000.00) civil penalty to be remitted with this signed Order.

Board Office Closed

The Board office will be closed Monday, September 2, 2002, in observance of Labor Day.

**Patricia Ann Ladensack, #26540
Durham, NC 07/23/02**

THIS CAUSE coming before the Board at its offices at 1101 Oberlin Road, Raleigh, Wake County, North Carolina with a quorum present. The Board and Respondent stipulate that:

1. Respondent is the holder of a certificate as a Certified Public Accountant in North Carolina and is subject to the provisions of Chapter 93 of the North Carolina General Statutes (NCGS) and Title 21, Chapter 8 of the North Carolina Administrative Code (NCAC), including the Rules of Professional Ethics and Conduct promulgated and adopted therein by the Board.

2. During the period August 2000 through December 2000, Respondent knowingly misapplied and converted to her own use approximately \$8,888.21, which was the property of

her employer, Alpha Omega Health, Inc.

3. Respondent acknowledges the misappropriation of the funds and has paid restitution to the employer.

4. Respondent’s misappropriation of funds from her employer is a violation of NCGS 93-12(9) and 21 NCAC 8N .0203.

5. Respondent wishes to resolve this matter by consent and agrees that the Board staff and counsel may discuss this Order with the Board *ex parte*, whether or not the Board accepts this Order as written.

BASED ON THE FOREGOING, and in lieu of further proceeding under 21 NCAC Chapter 8C, the Board and Respondent agree that:

- 1. The Certified Public Accountant certificate issued to Respondent, Patricia Ann Ladensack, is hereby permanently revoked.

Certificates Issued

At its July 23, 2002, meeting, the Board approved the following applications for certification:

- Joseph G. Arbogast
- Derek Keith Atwell
- Thomas Michael Barcellona
- Teresa Galtress Bray
- Tanya Lynne Brewbaker
- Betsy Chandler Buff
- Douglas Justin Campbell
- Helen B. Carlton
- Michelle Anne Chantrey
- Melinda Jo Penland Clark
- Tracy Janel Coker
- Ashley Stevenson Curtis
- Judy Wilson Dougherty
- D. Ward Ebbert, III
- Tamera L. Gjesdal
- Kevin James Gorman
- Matthew H. Gray
- Matthew Payne Grice
- Brett Douglas Gunn
- Benjamin James Hamilton
- Jimmy Douglas Hayes, Jr.
- Tracie Lynn Hayes
- Michelle Elaine Hefner
- Thomas Brent Hicks
- Rebecca A. Highberger
- J. Charles Hoyle

- Dawn L. Hulet
- Janine Michele Hurst
- Kevin Thomas Hutchins
- James Kar
- Susan LaRue-Gattis
- James William Lawrence
- Michele Marie McLaughlin
- Kimberly Latimer Moose
- Ekiti Nicol Nichols
- Steven J. Pashley
- Jennifer Lynn Peppers
- William Arthur Potter
- Violet Rose Price
- Stephanie Dawn Quist
- Dennis Joseph Raposa, Jr.
- Elizabeth Mitchell Redeker
- Todd Alan Richardson
- Cheryl T. Scarborough
- Mary Jo Sheerin
- R. Wes Sherrill
- Anita Michele Silver-Barnwell
- Christopher Todd Sinnett
- E. Matthew Sizemore
- Christopher Conrad Skvoretz
- Nancy Lee Thompson
- Raymond Charles Zalusky, III

Independence

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significance of the services provided to the audited entity on a facts and circumstances basis.

Before an audit organization agrees to perform nonaudit services, it should carefully consider the need to avoid situations that could lead reasonable third parties with knowledge of the relevant facts and circumstances to conclude that the auditor is not able to maintain independence in conducting audits. It is important that auditors always be viewed as independent both in fact and appearance.

Importantly, when the independence standard was issued, the GAO called for its provisions to be applicable to all audits for periods beginning on or after October 1, 2002.

Because of the breadth of changes in the amendment and to allow additional time for the new independence standard's effective implementation, GAO is extending its effective date to be applicable to all audits for periods beginning on or after January 1, 2003.

Also, the GAO's original intent was that any nonaudit service contract awarded on or after January 25, 2002, would not be exempt, or grandfathered.

However, the GAO has found that some audit organizations may not have understood this or were not aware of the standard until sometime after it was issued on January 25, 2002.

To be fair to these audit organizations and other interested parties, GAO will exempt, or grandfather, all nonaudit services that were initiated, agreed to, or performed by June 30, 2002, provided the work is completed by June 30, 2003.

An electronic version of *Government Auditing Standards: Answers to Independence Standards Questions* (GAO-02-870G, July 2002) is available on the GAO web site (www.gao.gov/govaud/ybk01.htm).

www.state.nc.us/cpabd

GAO Independence Rules

New Principles

Auditors should not perform management functions or audit their own work

Bookkeeping

Limited and in many instances prohibited

Appraisal and Valuation

Prohibited if results from these services are material to the audit

Payroll Services

Prohibited if material to the audit

Management Functions

Prohibited if in a decision-making, supervisory, or ongoing monitoring role

Human Resources

Searches and recruiting activities prohibited

Information Technology Services

Prohibited if material to the subject matter. Must be performed by nonaudit personnel

Preparing Indirect Costs Proposals

Prohibited when recovered costs are material

Internal Audit Outsourcing

Not specifically addressed, but other nonaudit services are not considered impaired if not material to audit

Tax Services

Preparing tax returns, providing routine advice, and answering technical questions is permitted

Organizational Independence

Similar to, but broader than, AICPA rule which states must be elected by voters or entail presence of oversight by a legislative body

Craig Foltin, DBA, CPA, "The New GAO Independence Standards,"
The CPA Journal, July 2002, pp. 36-41.

Additional Sources of Information on Auditor Independence Requirements

The following web sites include additional information on the auditor independence requirements:

Organization	Web Site
General Accounting Office	www.gao.gov
AICPA	www.aicpa.org
Government Finance Officers Association	www.gfoa.org
GASB	www.gasb.org
Association of Government Accountants	www.agacgm.org
National Association of Local Government Auditors	www.nalga.org

Craig Foltin, DBA, CPA, "The New GAO Independence Standards,"
The CPA Journal, July 2002, pp. 36-41.

AICPA Releases Exposure Draft on *Statements on Standards for Accounting and Review Services*

On August 1, 2002, the Accounting and Review Services Committee (ARSC) of the American Institute of CPAs (AICPA) issued an Exposure Draft on proposed revisions to existing *Statements on Standards for Accounting and Review Services* (SSARSs). The proposed amendments would revise SSARS No. 1 and SSARS No. 4.

Why Issued and What It Does

- The auditing literature allows an accountant who may be associated with financial statements of a public company, but has not audited or reviewed such statements to state that he or she has not audited the unaudited information and includes example report wording.

This guidance is also appropriate for compilation and review engagements; however, SSARSs currently do not include example wording.

This amendment will revise SSARS No. 1, *Compilation and Review of Financial Statements* (AICPA, Professional Standards, vol. 2, AR sec. 100.03), to include wording that may be appropriate under the circumstances.

- The accounting literature does not require the statement of retained earnings to be presented as a financial statement.

Accounting Principles Board Opinion No. 12, Omnibus Opinion-1967, requires disclosure of a change in capital. This can be done by preparation of a separate statement in the notes to the financial statements or as part of another basic statement.

In addition, the example reports currently do not refer to the statement of comprehensive income.

This amendment will include two footnotes to SSARS No. 1 (AR sec. 100.14 and AR sec. 100.36), stating (1) the statement of retained earnings is not a required statement and, if not presented as a separate statement, reference in the

compilation and review report is not needed and (2) if the statement of comprehensive income is presented, reference should be made in the appropriate paragraphs of the report.

- SSARSs currently do not specifically require a signature of the accounting firm or the accountant on a review or compilation report. This proposed amendment will revise SSARS No. 1 (AR sec. 100.11 and 100.33) to require a signature.

The guidance in AR section 100.12 and 100.13 has been deleted and included in AR section 100.11; guidance in AR section 100.34 and 100.35 has been deleted and included in AR section 100.33.

- The current guidance found in SSARS No. 1 (AR sec. 100.29) requires the accountant to obtain a representation letter from management. The guidance is not specific about the content of the letter, the dating of the letter, and current management's responsibility regarding previous years.

This amendment will require specific representations for the accountant to receive from management when performing a review engagement and will provide guidance on the dating of the letter and guidance regarding obtaining representations from current management when they were not present during all periods covered by the accountant's report.

- SSARS No. 1 (AR sec. 100.44) includes the guidance on reporting for supplementary information. Currently the guidance is unclear with respect to separate reporting on supplementary information in a compilation engagement.

This proposed amendment would explicitly allow for a separate report on supplementary information in a compilation engagement, consistent with guidance on supplemental information in a review report.

- SSARSs currently do not refer to the Statements on Quality Control Standards (SQCSs) and how those standards interact with SSARSs.

The proposed amendment will clarify that although an effective quality control system is conducive to compliance with SSARSs, deficiencies in or noncompliance with a firm's quality control system do not, in and of themselves, indicate that an engagement was not performed in accordance with the applicable professional standards. This amendment would be included as the last section of SSARS No. 1.

- SSARS No. 4, *Communications Between Predecessor and Successor Accountants* (AICPA, Professional Standards, vol. 2, AR sec. 400), provides guidance on communications between accountants when the successor accountant decides to communicate with the predecessor regarding acceptance of an engagement.

This amendment defines predecessor and successor accountants, provides guidance regarding acceptance of an engagement, suggests inquiries the successor accountant may decide to ask the predecessor accountant, and includes an example successor accountant acknowledgment letter, which the predecessor may want to use in connection with granting access to the working papers.

The Exposure Draft is available for download from the AICPA web site (www.aicpa.org).

Responses should be sent to Sherry Boothe, Audit and Attest Standards, AICPA, 1211 Avenue of the Americas, New York, NY 10036-8775 in time to be received by October 1, 2002.

Responses also may be sent by e-mail to sboothe@aicpa.org.

Comments

Please e-mail your comments regarding the *Activity Review* to Lisa R. Hearne at (lhearne@bellsouth.net).

Reclassification - Inactive Status

“Inactive,” when used to refer to the status of a person, describes one who has requested inactive status and been approved by the Board and who does not use the title “certified public accountant” nor does he or she allow anyone to refer to him or her as a “certified public accountant” and neither he or she nor anyone else refers to him or her in any representation as described in 21 NCAC 8A .0308(b) [21 NCAC 8A .0301(b)(23)].

07/01/02

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Lee A. Dworsky
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Dennis Moulton Hogan
Edward Harrison Denning

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Atlanta, GA
Charlotte, NC
Garner, NC

07/02/02

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Larry Benjamin Swaney
William James Dulin
Patricia Bullock Cyrus
Rebecca Talley Keith
Jean Libby Smith
Cecilia K. Deitrich
Teresa Cothran Ellis
Marvin Jeffrey Armstrong
Carmela Phillips Price
Sherry Dean Folkestad

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Eden, NC
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Andrea L. Balog

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07/05/02

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07/09/02

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Lori Bellew Henderson

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Walter Proctor Walker, Jr.

Marietta, GA

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James Patrick Gosnell

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Debbie A. Veazey
Pamela P. Royalty
Drew Steven Deaton

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07/30/02

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Vann Rhodes Rogerson
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Paul Mark Oakley
Paul Ricky Hinchey
Karen Longfellow Stone
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07/31/02

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Blair Tucker Hatcher
David Edwin Allen
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Eric William Gilbert Zetterholm
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Columbia, TN
Davidson, NC
Asheville, NC
Research Triangle Park, NC

Reclassifications

Reissuance

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Tony Wayne Morgan, #5166

Reinstatement

Moire McCabe DiMartini, #17955
Suzanne Marlar, #17305
Richard L. Rollins, #11859
Pamela Sue Rowe, #22236
Sarah Norris Stroud, #15311

Retired

“Retired,” when used to refer to the status of a person, describes one possessing a North Carolina certificate of qualification who verifies to the Board that the applicant does not receive or intend to receive in the future any earned compensation for current personal services in any job whatsoever and will not return to active status [21 NCAC 8A .0301(b)(23)]

07/23/02	James H. Hatch	Charlotte, NC
07/23/02	Kyle C. Jones	Sugar Grove, NC

Board Meetings

Monday, September 23
Friday, October 18
Monday, November 18
Tuesday, December 17

Meetings of the Board are held at the Board office and are open to the public. However, under State law, some portions of the meetings are closed to the public.

If you wish to address the Board regarding a specific issue, please contact Robert N. Brooks, Executive Director of the Board, by telephone at (919) 733-4222 or by e-mail (rnbrooks@bellsouth.net) at least two weeks prior to the scheduled Board meeting.

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